

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOVETT AUTO & TRACTOR PARTS, INC.,
on behalf of itself and all others similarly
situated,

Plaintiff,

v.

CHAMPION LABORATORIES, INC.;
PUROLATOR FILTERS N.A. L.L.C.;
HONEYWELL INTERNATIONAL INC.; WIX
FILTRATION CORP., LLC; CUMMINS
FILTRATION, INC.; THE DONALDSON
COMPANY; BALDWIN FILTERS INC.;
BOSCH U.S.A.; MANN + HUMMEL U.S.A.,
INC.; and ARVINMERITOR, INC.,

Defendants.

Case No. 08-cv-02046

Judge Robert W. Gettleman

Magistrate Judge Arlander Keys

**WIX FILTRATION CORP., LLC'S
AGREED MOTION FOR ENLARGEMENT OF TIME TO
RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant Wix Filtration Corp., LLC, hereby moves for an enlargement of time until and through June 23, 2008, to answer or otherwise respond to the Complaint filed by plaintiff Lovett Auto & Tractor Parts, Inc. ("Plaintiff").¹ Plaintiff has agreed to the relief sought in this motion. In support of this agreed-upon motion, Defendant states as follows:

¹ This motion is not intended to waive any defenses that Defendants may have to Plaintiff's Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure or otherwise.

1. On or about April 10, 2008, Plaintiff filed the complaint in this action, which alleges violations of Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiff styled the action as a putative class action.

2. As of the date of this motion, another plaintiff has filed a complaint in this District, at least eight plaintiffs have filed separate complaints in the United States District Court for the District of Connecticut, two plaintiffs have filed complaints in the United States District Court for the Southern District of Illinois, one plaintiff has filed a complaint in the United States District Court for the Eastern District of Tennessee, and one plaintiff has filed an action in the United States District Court for the District of New Jersey. Each of these complaints alleges federal or state antitrust actions, or both, as against Wix and are styled as putative class actions.

3. On or about April 11, 2008, Plaintiff filed a motion before the Judicial Panel on Multidistrict Litigation (“the MDL Panel”) to transfer and consolidate in this District all existing and subsequently filed antitrust actions related to the claims alleged in its complaint. On April 15, 2008, plaintiffs in five of the actions pending in the United States District Court for the District of Connecticut filed a motion before the MDL Panel to transfer and consolidate all existing and subsequently filed actions in the District of Connecticut. Those motions are currently pending before the MDL Panel.

4. In light of the multiple complaints on file in various jurisdictions, the several motions pending before the MDL Panel, and the complex nature of Plaintiff’s allegations, Defendant hereby moves, with plaintiff’s consent, to enlarge its time to answer or otherwise respond to this complaint for 30 days.

5. Counsel for defendant Champion Laboratories, Inc., conferred with counsel for Plaintiff on or about May 6, 2008, and was advised that Plaintiff consented to the 30-day enlargement.

WHEREFORE, Defendant Wix Filtration Corp., LLC, respectfully moves for an Order enlarging their time to answer or otherwise respond to Plaintiff’s complaint for 30 additional days.

Respectfully submitted,

/s/ Stephen D. Libowsky

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Wix Filtration Corp., LLC

Dated: May 23, 2008

CERTIFICATE OF SERVICE

I, Stephen D. Libowsky, hereby certify that on May 23, 2008, I electronically filed Wix Filtration Corp., LLC's, Local Rule 3.2 Notification As To Affiliates with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the individual(s) listed below:

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and I hereby certify that I have mailed the document or paper to the following non-CM/ECF participants by First Class United States Mail:

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